

#### APPLICANT'S INVENTION

Applicant's invention is a support assembly for preventing the contamination of a pizza peel or pizza oven, the support assembly cooperable with a countertop and more particularly the countertop edge for the support of a peel allowing for the pizza crust to be placed directly on the peel, and the sauce, cheese and toppings sprinkled thereon, the support accessory comprising a support surface, the area which is generally equal to the area of the pizza peel, the support surface elevated above the countertop by a plurality of support members, at least one support member depending a vertical distance downwardly greater than the other support members so as to be juxtaposed the vertical countertop edge to limit movement of the support accessory.

### THE REJECTION

Claims 1 through 5 are rejected under 35 U.S.C. §112 2<sup>nd</sup> paragraph as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicant regards as the invention.

Claims 1 through 5 are rejected under 35 U.S.C. §102(b) as being anticipated by Palaith, U.S. Patent 2,685,372.

## DISCUSSION

Applicant has amended the claims as set forth in the amended claims submitted herewith and respectfully submits that the rejection pursuant to 35 U.S.C. §112 is obviated by the current amendment to the claims. Claims 1 through 5 stand rejected pursuant to 35 U.S.C. §102(b) based on the reference to Palaith, U.S. 2,685,372, directed to a commodity shelf.

The Palaith '372 reference is directed to an extendable commodity shelf which would be positioned on a fixed display shelf. Palaith discloses an extendable support surface slidably engageable within itself and having interlocking structures extending above the support surface to provide retaining walls thereon. This is necessary because Palaith envisions the commodity shelf for use in stacking and displaying commodities such as canned goods or the like, which would be stacked on each other, and in which it would be desirable that they not be displaced from the commodity shelf, hence the requirement of the interlocking retaining walls extending upwardly on the lateral edges of the Palaith commodity shelf. These upstanding retaining walls along the lateral edges do not interfere with the use of the Palaith commodity shelf because the items placed on the commodity shelf are substantially smaller in area than the commodity shelf itself and the lateral railings or retaining walls maintain these items on the support surface.

Applicant's support element is designed to support a pizza peel, the pizza peel being a large ovoid paddle with a handle designed to pick up and transport a pizza to and from the oven. Applicant's invention is designed to segregate the pizza peel from the countertop in making pizzas in order to avoid contamination of the pizza peel or the planar oven surface which contamination would be deleterious to future pizzas positioned in the oven in that the contamination could cause hot spots and therefore sticking of subsequent pizza crusts. Therefore, by the very size of the pizza peel, the support member must be large enough to support the pizza peel in a stable orientation while the pizza is assembled on the peel. Applicant's support assembly allows this in that the support surface of the support assembly makes contact with the undersurface of the pizza peel in a 360 degree orientation. Such contact is not possible with the commodity shelf of Palaith in that Palaith requires both in the specification and his claims, the need for the lateral retaining walls extending upwardly from the support surface. To place these upwardly extending retaining walls on Applicant's support assembly would result in the underside of the pizza peel being in contact in only two locations, those lateral lines which would extend across the underside of the pizza peel where it sat upon the retaining walls. Such a structure would not contribute to the stability of the pizza peel while the pizza

crust and the pizza toppings where being assembled on the upper surface of the pizza peel. It is therefore respectfully submitted that Palaith does not anticipate the structure as taught and disclosed by Applicant as set forth in the amended claims.

Still further, Palaith requires that the front face of the commodity shelf be inclined upwardly so that advertising or labels may be displayed thereon. The reason for this is that the commodity shelf as disclosed by Palaith is designed to interact with the consumers passing up and down the aisles of a grocery market. Applicant's invention is not designed to interact with consumers. It is for use by the individual who is making pizzas one after another, for customers who will either consume the pizza on the premises or pick it up for consumption elsewhere. The support accessory is therefore designed and dimensioned for standardized pizza peels and is of a unitary construction so that the stability of the pizza peel and the pizza being constructed on top of the pizza peel is insured and that contamination does not occur to the underside of the pizza peel or be transferred to the planar cooking surface of the oven. It is respectfully submitted that the structure as disclosed by Palaith in the '372 patent will not allow the accomplishment of the task as set forth by Applicant.


In view of the amendment to the claims and the discussion

herein, Applicant respectfully submits that the claims and the application are in condition for allowance and a notice of same is respectfully solicited.

Respectfully submitted,

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